IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.15577 of 2025 (O&M)
Date of decision: 4th April, 2025

Gurpreet Singh Butter

… Petitioner

Versus

State of Punjab

… Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of the concession of anticipatory bail to the petitioner in case FIR No.07 dated 25.02.2025 under Sections 13(1)(b) read with Section 13(2) of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 (hereinafter referred to as, 'the PC Act') registered at Police Station Vigilance Bureau Bathinda, District Bathinda.

2. Learned senior counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case, and the allegations levelled against him are baseless and without any substantive merit. It is submitted that the petitioner, who initially

served as an Assistant Town Planner (ATP) in the Municipal Corporation, Moga, and is presently holding the position of Executive Engineer, has at all times conducted himself in a lawful and transparent manner. However, he has now been made the subject of unwarranted prosecution under the PC Act, solely on the basis of an inquiry that is arbitrary, selective, and skewed against him.

3. Learned senior counsel has further submitted that the primary allegation against the petitioner pertains to the alleged possession of assets and expenditure disproportionate to his known sources of income, with the Investigating Agency claiming that there is an excess of ₹1,85,64,235/-, amounting to 92% beyond his legitimate earnings. However, the petitioner has meticulously maintained comprehensive checklist of his financial transactions, demonstrating that all his expenditures have been well within the bounds of his known and lawful income. The learned senior counsel has drawn the attention of this Court to Annexure P-2, which contains the detailed financial breakdown of the income of the petitioner and expenditure from 01.04.2013 to 31.03.2023. It is argued that this checklist encapsulates each and every source of the earnings of the petitioner, including his salary, legitimate investments, and other lawful receipts.

4. Despite the availability of this exhaustive financial record, learned senior counsel has argued, that the Investigating Agency has allegedly manipulated the inquiry process to falsely implicate the petitioner. It is contended that in the initial stages of the inquiry, the check period for assessing the income of the petitioner and expenditure

was taken as 01.04.2013 to 31.03.2023, spanning full 10 years. However, in an arbitrary manner, the Vigilance Bureau reduced the check period to 01.04.2014 to 31.03.2023, effectively excluding an entire financial year from consideration. This selective truncation, the learned senior counsel asserts, has been deliberately done to misrepresent his financial position and create an artificial disparity between his income and assets. The learned senior counsel has further argued that if the full 10 year period had been taken into account, the financial assessment would clearly prove that the income of the petitioner fully justified its expenditures.

5. The learned senior counsel has further highlighted the inquiry report (Annexure P-5) prepared by the Vigilance Bureau, and contended that the same is riddled with inconsistencies and omissions that cast serious doubts on its reliability. It has been submitted that the report contains several instances where certain legitimate income entries have been arbitrarily recorded as zero, without any justification. This, as per the learned senior counsel, is a clear indication of a mala fide intent on the part of the Investigating Agency to project a distorted financial picture of the petitioner.

6. Another serious grievance raised by the learned senior counsel for the petitioner is that the Investigating Agency has wrongly included the expenditures incurred by his family members, including his wife, mother, and brother, without considering their independent financial status. It has been pointed out that the wife of the petitioner is herself a Government employee, drawing a regular salary. However,

despite this, the Vigilance Bureau has clubbed her expenses with those of the petitioner, thereby inflating the total expenditure attributed to him.

7. As per the learned senior counsel, the petitioner had taken substantial loan amounts to fund various expenditures, yet these borrowings have not been considered in the financial analysis and has therefore resulted in an exaggerated and misleading depiction of disproportionate assets.

8. In light of these submissions, it has been strongly urged by the learned senior counsel for the petitioner that the present case is one of gross miscalculation, selective assessment, and intentional suppression of material fact. The petitioner has fully cooperated with the inquiry and has provided detailed financial records; however, the Investigating Agency has consciously disregarded crucial evidence that supports his case.

9. Learned senior counsel for the petitioner has thus prayed that considering the manifestly mala fide approach of the Investigating Agency and the absence of any credible evidence to substantiate the allegations, the petitioner is entitled to the grant of anticipatory bail.

10. Short reply by way of affidavit of Kulwant Singh, PPS, DSP Vigilance Bureau, Range Bathinda, has been filed today in Court, which is taken on record subject to all just exceptions and a copy thereof supplied to the counsel opposite.

11. Learned State counsel, while opposing the prayer and submissions made by the learned senior counsel for the petitioner, has submitted that the petitioner has amassed disproportionate assets

amounting to ₹1,85,64,235/- during the check period from 01.04.2014 to 31.03.2023, which is 92% in excess of his known sources of income. While drawing the attention of this Court to the reply filed by the State, it has been submitted that it stands revealed that during the check period, the petitioner and his wife purchased various movable and immovable properties and invested in multiple fixed deposits in banks and post offices. As per the financial analysis, the total income of the petitioner during the check period was ₹2,01,46,001/-, whereas his total expenditure was ₹3,87,10,236/-, leading to a substantial discrepancy.

12. Learned State counsel has further asserted that the petitioner has failed to provide complete records of his expenditures for the financial year 2013-14. His custodial interrogation is, therefore, essential to ascertain the actual sources of income, which he has deliberately concealed. It has been submitted that a thorough inquiry was conducted wherein various witnesses were examined, and relevant records were scrutinized, establishing that the petitioner and his wife systematically acquired multiple properties and financial assets far exceeding their known earnings.

13. Additionally, it has been contended that the petitioner and his wife intentionally omitted to disclose certain properties, including Janat Farm house, which features amenities such as a gym, swimming pool, and restaurant. The petitioner also failed to fully disclose his ancestral property holdings. The learned State counsel has submitted that while the family of the petitioner claimed to own ancestral land measuring 8 to 10 acres, the revenue records indicate that their ancestral

holdings were only 30 kanals 14 marlas. Further, the brother of the petitioner was found to be residing in a Government quarter without paying any rent indicating misuse of the official position of the petitioner.

14. Learned State counsel has also highlighted that the petitioner did not declare his agricultural income in his income tax returns, despite claiming to have ancestral land and taking additional land on lease. Furthermore, the petitioner intentionally concealed the purchase of a luxury vehicle (Fortuner). Learned State counsel has therefore urged that the custodial interrogation of the petitioner is imperative to trace further undisclosed disproportionate assets and to ascertain whether his family members were complicit in concealing ill-gotten wealth.

15. I have heard learned counsel for the parties and perused the relevant material on record.

16. The allegations against the petitioner are grave and prima-facie well founded. The State has presented a detailed financial analysis indicating that the assets and expenditures of the petitioner far exceed his known sources of income. The material on record demonstrates that during his tenure as a public servant, the petitioner allegedly amassed disproportionate wealth 92% more than his legitimate income. The discrepancy is not minor but substantial, necessitating a thorough investigation.

17. The contention of the learned senior counsel for the petitioner that the check period was arbitrarily reduced does not, at this

stage, appear sufficient to discredit the findings of the Vigilance Bureau. The period of financial scrutiny is within the domain of the Investigating Agency, and mere variation in the period of assessment does not nullify the core allegations, particularly when the alleged disproportionate assets remain significant. The assertion of the petitioner that certain income entries were arbitrarily treated as zero is a matter of factual inquiry that can only be gone into through a detailed investigation, for which custodial interrogation is essential.

18. Furthermore, the material collected so far suggests deliberate concealment of assets and financial transactions by the petitioner and his family members. The petitioner has failed to fully disclose his agricultural income, ancestral property details, and sources of certain high value transactions, as per the learned State counsel.

19. It needs to be reiterated that in cases involving corruption, particularly those under the Prevention of Corruption Act, the Hon'ble Supreme Court has consistently held that anticipatory bail should not be granted where custodial interrogation is necessary for effective investigation. The present case involves complex financial transactions and alleged concealment of assets, warranting a detailed probe. The non-cooperation by the petitioner in providing complete financial records further underscores the need for custodial interrogation.

20. In ***Devinder Kumar Bansal vs. State of Punjab : 2025 INSC 320***, Hon’ble the Supreme Court categorically observed that when the goal of a corruption-free society demands it, Courts must not hesitate

to curtail the liberty of an accused. Anticipatory bail should be denied where overriding considerations so require.

21. Considering the gravity of allegations in the present case, the substantial disproportion between the income of the petitioner and assets and overwhelming considerations in the nature aforesaid, therefore, require the custodial interrogation of the petitioner to unearth the complete financial trail, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The apprehension that the petitioner may influence witnesses or tamper with evidence, cannot be ruled out at this stage. Accordingly, the petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 4, 2025
rps

Whether speaking/reasoned Yes/No
Whether reportable Yes/No